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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,815	04/30/2001	Jacob McGuire	200704490-1	9953

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HEWLETT PACKARD COMPANY  
P O BOX 272400, 3404 E. HARMONY ROAD  
INTELLECTUAL PROPERTY ADMINISTRATION  
FORT COLLINS, CO 80527-2400

EXAMINER
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HU, JINSONG

ART UNIT	PAPER NUMBER
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2154

NOTIFICATION DATE	DELIVERY MODE
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08/19/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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JERRY.SHORMA@HP.COM  
mkraft@hp.com  
ipa.mail@hp.com

<b>Office Action Summary</b>	<b>Application No.</b> 09/843,815	<b>Applicant(s)</b> MCGUIRE, JACOB	
	<b>Examiner</b> JINSONG HU	<b>Art Unit</b> 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 8-21 is/are rejected.
- 7) ☒ Claim(s) 5-7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 1-21 are presented for examination. Claims 1, 5 and 16 have been amended.

#### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claim 8 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 8 directs to an interface including means, as well known the interface could be implemented in software code and meanwhile the specification does not specifically point out the interface referring to hardware communication interface. Examiner suggests remove the term "means" from the claims. Correction is required.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 1-4, 9, 11-12, 14, 16-17 and 20-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Malik et al. (US 5,832,503).

6. As per claims 1, 14 and 18-19, Malik teaches the invention as claimed including a system for automatically configuring a plurality of different types of network devices [paragraph 1, lines 1-3], comprising:

a library of generic commands that can be applied to said devices and converters for converting each of said generic commands into device-specific commands to be applied to individual network devices [col. 2, lines 10-49];

a database storing configuration parameters [value of attributes] for said plurality of network devices [col. 2, lines 18-24; col. 8, lines 40-53;] and

a configuration interface which receives said parameters the database and issues generic commands to said library to cause individual ones of said devices to be configured using said device-specific commands and in accordance with said parameters [col. 7, lines 28-46];

wherein said configuration interface displays identifications of firewall devices associated with a network and conduits within said firewall devices and permits a user to select at least one of said firewall devices [the interface display all attributes for network devices to the user for allowing the user make any selection, col. 6, line 33 – col. 7, line 46].

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7. As per claim 2, Malik teaches the step of issuing commands to said library to obtain configuration from individual devices and stores said information in said database [col. 3, lines 42-46].

8. As per claims 3 and 4, Malik teaches the configuration parameters are stored in said database as a model containing a list of values to which each configuration parameter in an individual one of said devices is to be set [col. 3, lines 13-41].

9. As per claim 9, Malik teaches a memory storing a template which contains a sequence of commands for configuring each of a plurality of devices of a given type, wherein each command that refers to a particular device contains a variable as the identification of the device; and wherein said database, stores a record which indicates the respective network address of each specific device for which a given device is to be configured, and said interface is responsive to a command and to configure a given device for retrieving said template and the stored record associated with said given device, substituting the network addresses in the retrieved record for the variables in said template, and issuing commands to configure the given device in accordance with said retrieved record and said template [col. 3, lines 12-25; col. 6, line 53 – col. 7, line 65].

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10. As per claims 11 and 12, Malik teaches a plurality of templates are stored in said memory, each corresponding to a different respective type of device [col. 8, lines 24-36].

11. As per claims 16-17 and 20-21, since they are method claims of claims 1-4, they are rejected for the same basis as claims 1-4 above.

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Malik et al. (US 5,832,503) as applied to claims 1-4, 9, 11-12, 14, 16-17 and 20-21 above, in view of Merchant et al. (US 2002/0128815 A1).

14. As per claim 8, Malik teaches the invention substantially as claimed in claim 1. Malik does not specifically teach determining the type of device by analyzing response message. However, Merchant in the other hand teaches the interface includes commanding a console server send a message to each console connected to said

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console server; analyzing a response to said message provided by each console to determine the type of device which transmitted response; and means for displaying a list of device types corresponding to the consoles connected to said console server [paragraphs 31-32]. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the message analyzing step in Malik's system because do so would enable the system obtain accurate information for the network device which is going to be configured.

15. Claims 10, 13, 15 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malik et al. (US 5,832,503) as applied to claims 1-4, 9, 11-12, 14, 16-17 and 20-21 above , in view of "Official Notice".

16. As per claim 10, Malik teaches the invention substantially as claimed in claim 8. Malik does not specifically teach the network addresses comprise Internet Protocol (IP) addresses. However, "Official Notice" is taken that both the concept and advantages of providing for IP address is well known and expected in the art. It would have been obvious to a person of ordinary skill in the art include Internet protocol address of device in Malik's system because doing so would improve the functionality of the system by allowing configuring devices though Internet. One of ordinary skill in the art would have been motivated to modify Malik's system with Internet protocol to improve the functionality of the system.

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17. As per claims 13 and 18-19, Malik teaches the invention substantially as claimed in claim 1. Malik does not specifically teach a queue for individually retrieved and forwarded commands to the library by said interface. However, "Official Notice" is taken that both the concept and advantages of providing for queue is well known and expected in the art. It would have been obvious to a person of ordinary skill in the art include a queue in Malik's system because doing so would increase the data transmitting speed of the system. One of ordinary skill in the art would have been motivated to modify Malik's system to increase the efficiency of the system.

18. As per claim 15, Malik teaches the invention substantially as claimed in claim 1. Malik does not specifically teach said transmission protocols comprise Telnet. However, "Official Notice" is taken that both the concept and advantages of providing for Telnet is well known and expected in the art. It would have been obvious to a person of ordinary skill in the art include telnet in Malik's system because doing so would bring convenience to user by allowing them choose the protocol based on their preference or need.

***Allowable Subject Matter***

19. Claims 5-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

20. Applicant's arguments with respect to claims have been considered but are not persuasive.

21. In the remarks, applicant argued in substance that

A. 101 rejection is improper;

B. The claims should be allowed because a part of objected claims have been added to the independent claims.

22. Examiner respectfully traverses applicant's remarks:

Regarding point A, examiner has explained in this action, see paragraph 3 for reason.

Regarding point B, examiner indicated the limitations of claim 5 as a group was objected in the previous action. The applicant only added a part of objected limitation to the independent claims, however, the newly added limitation do not overcome the prior art reference (see paragraph 6 for details).

Therefore, the rejection for is maintained.

23. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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24. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinsong Hu whose telephone number is (571) 272-3965. The examiner can normally be reached on 8:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*/Jinsong Hu/*

*Primary Examiner, Art Unit 2154*